



Ministry  
of Justice

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Parliamentary Under-Secretary of  
State for Justice

Robert Neill MP  
Chair, Justice Select Committee  
House of Commons  
London  
SW1P 3AJ

**MP ref:**  
**MoJ ref:** ADR66805

14 March 2019

*Dear Bob,*

### **ROLE OF THE MAGISTRACY – FOLLOW-UP**

Thank you for your letter of 4 March following my appearance at your Committee's session on the role of the magistracy. I was pleased to be able to give evidence to the Committee and, as you note in your letter, offered to follow up on a number of points. I will take these in turn.

#### Data on Failure to Appear rates

At the evidence session in February I responded to a question from Victoria Prentis MP, about the data that the MoJ collects for no-shows at family hearings by saying that we have data on failure to appear. I am sorry that I was mistaken in this assumption. We do have information regarding the criminal courts where information regarding failure to attend is published in table 4.4 of the Criminal Justice Statistics bulletin. The latest publication can be found here:

<https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

For family courts and county courts, attendance information is not recorded in our central administrative data systems.

#### Brexit impact on video evidence from witnesses in foreign jurisdictions

You asked whether the ability of parties to give video evidence from foreign jurisdictions would be affected by our leaving the European Union. Witnesses are currently able to give evidence in UK courts by video link with other countries. S30 Crime (International Co-operation) Act 2003 (CICA) allows for a witness located in the UK, to provide evidence via video link to a foreign trial or appear at a pre-trial hearing.

There is no Brexit impact on this provision which covers domestic courts' direct video links between witnesses in the UK to courts abroad or witnesses abroad to courts in UK.

## Problem Solving Courts

I am very grateful to the Committee for raising the question of problem solving approaches. When we met on 12 February, I committed to write to you about the recommendations made in 2016 by the Working Group on Problem Solving Courts and whether decisions had been made regarding these.

Problem solving courts, and more generally problem solving approaches that can be applied by courts, have been raised with me in a number of discussions recently, including by members of the Judiciary.

I have read a great deal of research on the subject and am keen to explore whether more widespread use of problem solving courts can be a beneficial tool for improving lives and justice outcomes. I am persuaded by the logic that underpins problem solving courts, and respect the expertise of those advocating them. I am aware that experience has shown that there can be some challenges in applying this approach, including the upfront resource implications and the need for legislation to implement some of the models being proposed.

In family proceedings, we have seen some positive but limited evidence that problem solving models such as Family Drug and Alcohol Courts (FDACs) can lead to improved outcomes for children and their families. The UK evidence-base for FDAC is based on the 2014 evaluation of the London FDAC, which was the first FDAC to be established in the UK. Although findings from this evaluation, and related follow-up studies, are promising, there are limitations – not least the small sample size and a longer period needed to establish net savings to the public purse.

The What Works Centre (WWC) for Children's Social Care recently published a wider review of existing evidence on problem solving models that are focused on giving parents involved in the family justice system access to drug and alcohol treatment. Overall, this review found that these models tended to show a positive effect on family reunification, with children more likely to return home after entering care. There was no evidence that these problem solving courts had an effect on care entry after returning home or further maltreatment of children, nor is there evidence that they have a harmful effect on outcomes.

Only one of the studies in the WWC review was based in England (the FDAC model as we know it) and the review concluded that 'future research is needed, including a cost analysis of Family Drug and Alcohol Court models, to determine whether they offer good value for money in the treatment of parental substance misuse and support to improve child welfare'.

As well as the potential benefits in exploring greater use of problem solving courts, I am aware of the opportunities for taking forward effective problem-solving approaches more generally. This is something my Department has been keen to explore and evaluate, for example, in our work with health colleagues on Community Sentence Treatment Requirements and on developing Whole Systems Approaches in relation to female offenders.

As you know, the working group's report and conclusions have not been published. However, following the Committee's helpful prompting, I will undertake to re-look at that report and would be very happy to provide you with its conclusions when I have done this, along with my assessment of any next steps.

I will therefore write to the Committee again on this matter, when I am able to provide a fuller reply.

National Strategy for the Magistracy

As I said in my evidence to the committee, magistrates are a key part of our justice system and we are working closely with the magistracy on developing their national strategy, which is led by the magistracy themselves. The Government's strategy for the magistracy is incorporated into our wider strategy for all judicial office holders; there is a policy team dedicated to judicial policy and engagement, as well as officials across the department working on numerous matters related to magistrates' courts and the magistracy, including on the reform of the court and tribunal system. Considering the impact of policy reform and the future direction of the magistracy is an ongoing process, rather than one with an end date. I was pleased to meet recently with Duncan Webster, Head of the Magistrates' Leadership Executive, to continue this important conversation.

Thank you once more for the opportunity to speak at your inquiry and to highlight the crucial role magistrates play in our justice system. I and my officials would be happy to assist with any further queries you may have.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Lucy Frazer', written in a cursive style.

**LUCY FRAZER QC MP**